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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/729,259  
Filing Date: December 05, 2003  
Appellant(s): THORNTON ET AL.

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Charles W. Griggers  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 05/12/2008 appealing from the Office action mailed 12/13/2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

**2004/0236620 A1      Chauhan et al      05-2003.**

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-9 are rejected under 35 U.S.C. 101 because the receiving logic, a database, assignment logic, and completion logic are just **software per se**. Because the claimed invention of Claim 1 is a system claim, the claimed invention should have associated with **physical components** in order to be statutory.

Claims 19-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For example, claim 19 recites a “computer readable medium”, which is defined in specification (page 16 lines 2-4, and lines 11-13) as:

execution system, apparatus, or device. The computer readable medium can be, for example but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, device, or propagation medium. More specific

Also

computer-readable medium could even be paper or another suitable medium upon which the program is printed, as the program can be electronically captured, via for instance optical scanning of the paper or other medium, then compiled, interpreted or

As stated above, the computer readable medium comprises “propagation medium” and “paper” which are non-statutory with respect to the media.

**Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Publication No. US 2004/0236620 A1 issued to Chauhan et al.**

As per Claim 1, Chauhan discloses a drawing conversion management and assignment system (See: [0121] lines 1-5), comprising:

receiving logic of a computer system operable to receive notification of completion of a land base drawing file that is associated with a plat corresponding to a parcel of land represented by the land base drawing file (such as...*the field engineer brings up the required work (i.e. new construction work order) from customer site...*; See: [0081] lines 5-13, [121] lines 5-10);

a database coupled to the receiving logic, operable to create a drawing conversion job record associated with the completed land base drawing file, the drawing conversion job record indicating that the plat corresponding to the completed land base drawing file is tasked to be converted into a new drawing format (such as ...*editing and updating the electronic map...*; See: [0079] lines 22-33, [0084] lines 7-15, [0121] lines 1-6, [0122] lines 1-13);

assignment logic coupled to the database, operable to assign the drawing conversion job record to a draftsman (See: [0081]

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lines 5-26) and to instruct the database to record the assignment, the drawing conversion job involving creation of a new drawing file based on at least information depicted in the land base drawing file, and prior plat of the parcel of land represented by the land base drawing file (such as *...assigning to superior (i.e. draftsman) to review, changes or approve the work order details...the review includes engineering analysis and check for rules for connectivity...*; See: [0081] lines 20-24); and

completion logic of the computer system coupled to the database, operable to receive a request to close the drawing conversion job record from the draftsman, and to instruct the database to mark the drawing conversion job record as closed to indicate that the plat has been redrawn in the new drawing format (such as *...completed and approved (i.e. closed) by supervisor (i.e. draftsman)...*See: [0081] lines 20-32).

As per Claim 2, Chauhan discloses the system of claim 1, wherein the database is operable to store a plurality of drawing conversion job records (See: [0081] lines 13-14).

As per Claim 3, Chauhan discloses the system of claim 2, further comprising: reporting logic coupled to the database, operable to enable any of a plurality of users to view the drawing conversion job record (See: [0081] lines 13-16).

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As per Claim 4, Chauhan discloses the system of claim 3, wherein the reporting logic is further operable to provide a summary report of a plurality of available drawing conversion job records, assigned drawing conversion job records, and complete drawing conversion job records (See: [0049]-[0051]).

As per Claim 5, Chauhan discloses the system of claim 3, wherein the reporting logic is further operable to enable any of a plurality of users to view a plurality of assigned drawing conversion job records (See: [0081] lines 26-29).

As per Claim 6, Chauhan discloses the system of claim 3, wherein the reporting logic is further operable to enable any of a plurality of users to view a plurality of completed drawing conversion job records (See: [0125]).

As per Claim 7, Chauhan discloses the system of claim 1, wherein the land base drawing file is provided by a regional land administration center (such as *Utility Center*; See: [0084] lines 1-4).

As per Claim 8, Chauhan discloses the system of claim 7, wherein the land base drawing file is in an engineering work order format (See: Fig. 3B and corresponding texts).

As per Claim 9, Chauhan discloses the system of claim 1, wherein the drawing conversion job record includes an availability date (such as *schedule dates*; See: [0235]), wirecenter location

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information (such as *map viewing*; See: [0098]), a completed date (such as *jobs from beginning to completion*; See: [0235]), a quartile assignment (such as *...complete daily assignments*; See: [0119]), and a fiber units allocation (such as *facility location*; See: [0084] lines 20-23).

As per Claim 10, Chauhan discloses a method for assigning and managing drawing conversions (See: [0121] lines 1-5), comprising the steps of:

receiving notification that a land base drawing file is available, the land base drawing file being associated with a wirecenter, and being a basis for redrawing a plat corresponding to the wirecenter and the land base drawing file into a new drawing format (such as...*the field engineer brings up the required work (i.e. new construction work order) from customer site...*; See: [0081] lines 5-13, [121] lines 5-10);

creating a drawing conversion job record associated with the land base drawing file, the drawing conversion job involving creation of a new drawing file based on at least information depicted in the land base drawing file and prior plat of the wirecenter represented by the land base drawing file (such as *...editing and updating the electronic map...*; See: [0079] lines 22-33, [0084] lines 7-15, [0121] lines 1-6, [0122] lines 1-13);



storing the drawing conversion job record in a database  
(See: [0081] lines 13-14);

assigning the drawing conversion job record to a draftsman  
(such as *...assigning to superior (i.e. draftsman) to review,  
changes or approve the work order details...the review includes  
engineering analysis and check for rules for connectivity...;*  
See: See: [0081] lines 5-26);

recording the assignment of the drawing conversion job record  
in the database (See: [0081] lines 24-26); and

closing the job upon receipt of a close request from the  
draftsman to indicate that the plat has been redrawn in the new  
drawing format, by marking the drawing conversion job record as  
closed in the database (such as *...completed and approved (i.e.  
closed) by supervisor (i.e. draftsman)...*See: [0081] lines 20-32).  
As per Claim 12, Chauhan discloses the method of claim 11,  
further comprising providing a report comprising details for at  
least the plurality of drawing conversion job records in the  
database (See: [0048]).

As per Claim 14, Chauhan discloses the method of claim 11,  
further comprising providing a plurality of unassigned drawing  
conversion job records to a plurality of users (See: [0049]).

As per Claim 15, Chauhan discloses the method of claim 11, further comprising providing a plurality of completed drawing conversion job records to a plurality of users (See: [0125]).

As per claims 11, 13, and 16-27, the instant claims recite substantially same limitation as the above rejected claims 2, 4, 7-10, 12, 14, and 15, and therefore rejected under the same rationale.

## **(10) Response to Argument**

### **Response to Arguments -35 USC 101 rejection**

#### **I. Appellants argued (page 6 #A)**

*"The Office Action issued July 5, 2007 states that "receiving logic, a database, assignment logic, and completion logic" are program per se which is not an accurate depiction. To say something is "per se" a program means to say that it is inherently a software program. **This is not true regarding to a database,** for example. Further, in the Office Action, it is acknowledges that logic may be defined as an arrangement of circuit elements, as an example . Page 2. Therefore, **to construe logic "of a computer system" or database, as recited in the claims, to be software per se is improper.**"*

#### **Examiner Responses to I:**

Appellant's argument regarding the 101 rejection is, respectfully, not understood. Appellant appears to argue the breathe of the claim and not the actual rejection. Regardless, as Appellants are aware, a claim broad enough to read on a non-statutory embodiment renders the claim non-statutory. Because "receiving logic", "assignment logic" and "completion logic" are not described in

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the specification as hardware components, then there must be given their broadest reasonable interpretation. Therefore, the components could also be interpreted as **software per se**. For example, *Microsoft Computer Dictionary Fifth Edition* defines "logic" and "database" as:

*"logic" to be "in programming, the assertion, assumptions, and operations that define what a given program does. Defining the logic of a program is often the first step in developing the program's source code.*

*"Database" to be "a file composed of records, each containing fields together with a set of operations for searching, sorting, recombining, and other functions".*

Any claim that is reasonably interpreted as covering embodiments which are statutory and embodiments which are non-statutory should be rejected. If there is sufficient reason to question whether a claim recites patent eligible subject matter, it is reasonable to reject the claim under 35 USC 101.

## **II. Appellants argued (page 7 #B):**

*"...the claimed **computer readable medium** has a program comprising instruction executed by a computer and **does not describe the program being electronically captured, compiled, interpreted** or otherwise processed and stored in a computer memory, **as is described for a medium like paper**. Therefore, claims 19-27 **should not be construed to cover a paper medium**."*

## **Examiner Response to II:**

Appellant's specification (page 16 lines 2-4 and 10-13) states:

execution system, apparatus, or device. The computer readable medium can be, for example but not limited to, an electronic, magnetic, optical, electromagnetic, infrared, or semiconductor system, apparatus, device, or propagation medium. More specific

Also,

computer-readable medium could even be paper or another suitable medium upon which the program is printed, as the program can be electronically captured, via for instance optical scanning of the paper or other medium, then compiled, interpreted or

In light of the specification, computer readable medium comprises "propagation medium" and "paper", which are **failing** to be an appropriate manufacture under 35 USC 101 in the context of computer-related inventions. Therefore, for this matter, the claims are non-statutory.

### **Response to Arguments- 35 USC 102(e) rejection**

#### **III. Appellants argued (page 8 #C):**

*Chauhan fails to teach or suggest "assignment logic of the computer system coupled to the database and operable to assign the drawing conversion job record to a draftsman and to instruct the database to record the assignment, the drawing conversion job involving creation of a new drawing file based on at least information depicted in the land base drawing file and a prior plat of the parcel of land represented by the land base drawing file; and*

*completion logic of the computer system coupled to the database and operable to receive a request to close the drawing conversion job record from the draftsman, and to instruct the database to mark the drawing conversion job record as closed to indicate that the plat has been redrawn in the new drawing format" as recited in claim 1.*

**Examiner Response to III:**

a. Chauhan et al teaches the limitation of "*assignment logic of the computer system coupled to the database and operable to assign the drawing conversion job record to a draftsman and to instruct the database to record the assignment, the drawing conversion job involving creation of a new drawing file based on at least information depicted in the land base drawing file and a prior plat of the parcel of land represented by the land base drawing file*" as follows:

The Field engineer brings up the required work from the customer site, then the superior (i.e. the assigned draftsman) review, change, or approve the work order (i.e. new construction work order for example) brought by the field engineer and entered to the Utility center software. Then the work order is submitted to the database for further process (See: [0081] lines 5-26).

b. Chauhan et al discloses the limitation of "*completion logic of the computer system coupled to the database and operable to receive a request to close the drawing conversion job record from the draftsman, and to instruct the database to mark the drawing conversion job record as closed to indicate that the plat has been redrawn in the new drawing format*", as follows:

For example, Chauhan et al teaches the superior (i.e. draftsman) reviews, changes, and approve the work order details such as new construction work order (i.e. redrawn in the new drawing format). Thereafter, the work order which is completed and closed (i.e. approved) by the superior (i.e. draftsman) is

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submitted to the database to be accessed by the crews to complete the job according to the blue print or electronic map based on to the completion and approval of the superior (i.e. draftsman). Then the crews access the completed and approved blueprint or electronic map (such as new construction work order) to do the job according to the electronic map completed and closed (i.e. approved) by the superior. Therefore, the crews are printing a map from a database that is completed and closed (i.e. approved) by the superior (i.e. draftsman) (See: [0081] lines 20-32).

c. Chauhan et al clearly teaches creation of a new drawing file (which is analogous to updating and maintaining of electronic maps) based on at least information depicted in the land base drawing file (which is analogous to work orders of electric, water, wastewater, gas utilities or new construction) and a prior plat of the parcel of land represented by the land base drawing file (which is analogous to electronic map before updated) as recited below:

[0084] The uaFM 100 module provides users with the ability to make global system edits to a seamless, intelligent electronic map of the service area. The uaFM 100 also provides the ability to easily plot and print professional hard-copy maps along with customized keys. Basic updating of the system electronic map is accomplished through the uaFM's 100 editing capabilities.

[0122] The uaField 100 easily stakes new construction work orders in the field or office and update that information directly into the GIS 900 (i.e. electronic map, emphasis added) to avoid duplicate data entry.

Therefore, editing and updating the system electronic map based on a new construction work orders or other utilities of the prior art are analogous to the limitation of *“creation a new drawing file based on at least information depicted in the land base drawing file and a prior plat of the parcel of land represented by the land base drawing file”* as recited in claim 1 of the claimed invention.

**IV. Appellants argued (page 14 and 17):**

**Chauhan fails to teach or suggest** *“receiving notification that a land base drawing file is available, the land base drawing file being associated with a wirecenter and being a basis for redrawing a plat corresponding to the wirecenter and the land base drawing file into a new drawing format;*

*creating a drawing conversion job record associated with the available and base drawing file, the drawing conversion job involving creation of a new drawing file based on at least information depicted in the land base drawing file and a prior plat of the wirecenter represented by the land base drawing file;*

*assigning the drawing conversion job record to a draftsman;*

*recording the assignment of the drawing conversion job record in the database; and*

*closing the job upon receipt of a close request from the draftsman to indicate that the plat has been redrawn in the new drawing format, by marking the drawing conversion job record as closed in the database”* as recited in claims 10 and 19.

**Examiner Response to IV:**

Appellants arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Regardless, the Chauhan clearly discloses a method for assigning and managing the drawing conversions from the receipt of a land base with a wirecenter (such as *assigns a Field Engineer (FE) to the customer site with a*

*laptop and brings up the required work (for example new construction work order, emphasis added), the superior (i.e. assigned draftsman) then reviews, changes, or approves the work order details... : See: [0081] lines 5-26), the creation of drawing conversion job record for the redrawing of a prior plat (such as editing and updating the electronic maps....; See: Examiner Response III(c) above), assigning the drawing conversion job record to a draftsman (such as assigned to superior (draftsman) then reviews, changes or approve the work order details; See: [0081] lines 5-26, and also refer to Examiner Response III(a) above), recording the assignment of the drawing conversion job record in the database (such as... then the entered information is transmitted and stored in the Working database...; See: [0081] lines 24-26), closing the job upon receipt of a close request from the draftsman to indicate that the plat has been redrawn in the new drawing format, by marking the drawing conversion job record as closed in the database (See: Examiner Response III(b) above).*

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.



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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kibrom K Gebresilassie/

Examiner, Art Unit 2128

Conferees:

/Kamini S Shah/

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